**THE HON'BLE Ms. JUSTICE G. ROHINI**

**WRIT PETITION NO.16028 OF 2006**

**DATED: 03rd AUGUST, 2006.**

Between :

Peetani Sambaiah … Petitioner

And

The State Bank of India, Narsapur Branch, Steemer Road, Narsapur, rep. by its Chief Manager. .. Respondent

**THE HON'BLE Ms. JUSTICE G. ROHINI**

**WRIT PETITION NO.16028 OF 2006**

**ORDER :**

Heard the learned Counsel for the petitioner.

The material on record shows that W.P.No.7228 of 2005 filed by the writ petitioner is still pending in which the petitioner questioned the action of the respondent Bank in not accepting his offer for One Time Settlement (OTS).

The petitioner states that the negotiations are still going on.

In this writ petition, a declaration is sought that the auction notice dated 21-2-2006 issued by the respondent Bank is arbitrary, illegal and consequently to set aside the said notice and direct the respondent Bank to hand over the original documents pertaining to all the properties mortgaged as security.

Under the impugned sale notice dated 21-2-2006, though the public auction was scheduled on 28-3-2006, the petitioner states that the sale did not take place on that day. Hence, it cannot be said that the grievance of the petitioner subsists as on today. So far as return of the original documents relating to the properties of the petitioner is concerned, W.P.No.7228 of 2005 is still pending before this Court in which the petitioner sought the very same relief. Hence, the petitioner cannot maintain this writ petition. Accordingly, the writ petition is dismissed. No costs.

However, this shall not preclude the petitioner to institute a fresh writ petition in case any fresh sale proceedings are initiated by the respondent-Bank.

G. ROHINI, J.

Dt. 03-08-2006
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